

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CIVIL WRIT PETITION NO. 8060 OF 2007

DATE OF DECISION: May 25, 2007

Parties Name
Municipal Council, Nabha

..PETITIONER

VERSUS

Rulia Ram and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH
HON'BLE MRS. JUSTICE NIRMAL YADAV

PRESENT: Mr. Ankur Mittal,
Advocate, for the petitioner.

Mr. S.K.Sharma, Advocate,
for the respondent -workman.

JASBIR SINGH, J. (oral)

Order.

This order will dispose of Civil Writ Petitions No. 8060, 8062 to 8067, 8069 to 8091 and 8136, all of the year 2007, as common questions of law and facts are involved in all these cases. For facility of dictating order, facts are being taken from CWP No. 8060 of 2007.

Notice of motion. Mr. S.K.Sharma, Advocate, accepts notice.

This writ petition has been filed against the order dated February 23, 2006, vide which Labour Court, Patiala, while exercising powers under Section 33-C (2) of the Industrial Disputes Act, 1947, held that the respondent – workman is entitled to get remuneration for extra work done by him on Saturdays.

It is not in dispute that there exist two categories of employees with the petitioner, some work in the office and the others work at the octroi

posts. Their service is interchangeable. It is not disputed before the Labour Court and here also that the employees, who work in the office, have five working days in a week, whereas those, who render services at octroi post, work for six days a week. For extra day, nothing was being paid to the employees, appointed at the octroi post. Compelled under the circumstances, they filed an application under Section 33-C(2) of the Industrial Disputes Act, 1947, which was allowed vide order under challenge. In view of admitted position, we are of the view that the impugned order is perfectly justified. Entitlement of the workmen, who work at octroi post for six days in a week, to get extra remuneration, was upheld by the Hon'ble Supreme Court in Municipal Employees Union (Regd.) Sirhind and others v. State of Punjab and others, (2000) 9 Supreme Court Cases 432. That judgment was followed by this Court in Municipal Council Bathinda v. Presiding Officer, Labour Court, Bathinda, and another, C.W.P. No. 20126 of 2002, rendered on March 2, 2004. Relevant portion of the order reads thus:

“Although the respondent-workman was required to discharge duties on Saturdays yet he was not paid any remuneration therefor. It is on the aforesaid premises that the respondent -workman approached the Labour Court under Section 33-C(2) of the Industrial Disputes Act, 1947, raising claim for wages for having discharged duties on Saturdays. Primarily, the claim of the respondent -workman was based on the decision rendered by the Apex Court in Municipal Employees Union (Regd.) Sirhind and others vs. State of Punjab and others, 2000 (9) SCC 432. In the aforesaid judgment, the Apex Court had clearly

recorded that arrears of wages, for having discharged duties on Saturdays, could be claimed by the respondent -workman for a maximum period of 3 years. That being so, the claim of the respondent -workman could have been accepted by the Labour Court only to the extent of wages payable for having rendered duties on Saturdays, limited for a period of 3 years.

In view of the above, the instant writ petition is allowed, impugned award of the Labour Court, Bathinda, dated 21.8.2002 is modified so as to limit the claim of arrears of wages to a period of 3 years before the filing of the application under Section 33-C(2) of the Industrial Disputes Act, 1947.”

In view of facts, mentioned above, we are of the opinion that no case is made out for interference. Dismissed.

(Jasbir Singh)
Judge

(Nirmal Yadav)
Judge

May 25, 2007.
DKC